

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

HARRY C. FLEEGLE,

Petitioner,

v.

08-CV-0771

JAMES CONWAY, Superintendent,
Attica Correctional Facility,

Respondent.

THOMAS J. McAVOY
United States District Judge

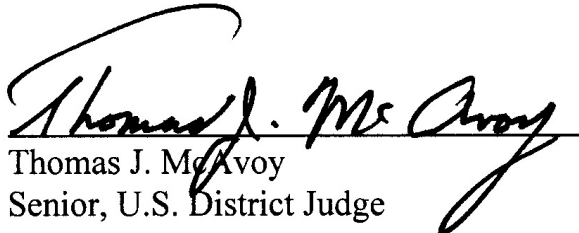
DECISION and ORDER

This matter brought pursuant to 28 U.S.C. § 2254 was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

No objections to the August 5, 2010 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein and **DISMISSES** the petition as untimely.

IT IS SO ORDERED.

Dated: October 26, 2010


Thomas J. McAvoy
Senior, U.S. District Judge